

IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT
RICHMOND

UNITED STATES OF AMERICA,

Appellee,

v.

APPEAL NO. 14-4818

MATTHEW HARRIS ENGLAND,

Appellant.

JOINT MOTION TO REMAND

Comes now the United States of America, by Joshua C. Hanks, Assistant United States Attorney for the Southern District of West Virginia, and Defendant, Matthew Harris England, by counsel, Lex A. Coleman, Assistant Federal Public Defender and Jonathan D. Byrne, Research and Writing Specialist, and respectfully submit this Joint Motion for Remand in the above-styled case for the purpose of correcting appellant's sentence. This motion is based upon the fact that the instant case is not substantively distinguishable from *United States v. Davis*, 714 F.3d 809 (4th Cir. 2013) wherein this Court held that it was plain error for a district court to award restitution to the party from whom a firearm was stolen by a defendant who

pleaded guilty to a violation of 18 U.S.C. § 922(j) (possession of a stolen firearm).
Counsel for appellant, Matthew Harris England, has been consulted and joins this
motion.

Respectfully submitted,

R. BOOTH GOODWIN II
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CERTIFICATE OF SERVICE

It is hereby certified that the foregoing "JOINT MOTION TO REMAND"
has been electronically filed and service has been made on opposing counsel by
virtue of such electronic filing on this 2nd day of March, 2015, to:

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